

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARCELLOUS WALKER, ARMIN  
WAND, JEREMY WAND, JAMMIE  
YERKS, KENDRICK GATLIN AND  
DAMIEN GRIFFIN,

ORDER

Case No. 22-cv-211-wmc

Plaintiffs,  
v.

GARY BOUGHTON, et al.

Defendants.

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On April 13, 2022, this court entered an order directing plaintiffs Marcellous Walker, Armin Wand, Jeremy Wand, Jammie Yerks, Kendrick Gatlin and Damien Griffin to each submit by May 4, 2022 the \$402 filing fee or submit properly supported motions for leave to proceed without prepayment of the filing fee. Now plaintiffs have filed a motion to use release account funds to pay the entire fee for filing this case. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiffs cannot use the release account funds to pay the entire balance of the filing fee.

ORDER

IT IS ORDERED that,

1. Plaintiffs Marcellous Walker, Armin Wand, Jeremy Wand, Jammie Yerks, Kendrick Gatlin and Damien Griffin's motion for use of release account funds to pay the entire filing fee in this case is DENIED.

2. Plaintiffs may have until May 18, 2022, to each submit a check or money order made payable to the clerk of court in the amount of \$402.00. If by May 18, 2022, any plaintiff fails to make the filing fee payment or submit a motion for leave to proceed without prepayment of the filing fee supported by recent certified copies of their six-month trust fund account statements, I will assume that plaintiff wishes to withdraw this action voluntarily.

Entered this 26th day of April, 2022.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge